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APR 17 2002

OFFICE OF PETITIONS

Serial No.	Not Yet Assigned	Filing Date	09/27/01
Client	AgraQuest, Inc.		
Title	AQ 2018.20 A Novel Strain of Streptomyces For Controlling Plant Diseases		
Docket No.	AQ2018.20/Bill Ref. 23893-7180	Atty. Initials	CMG:nlh
Date Mailed	September 27, 2001	Docket Due Date	09/27/01

The Following Was Received In The U.S. Patent And Trademark Office On The Date Stamped Hereon:
Express No. EL 832926645US

- Return Receipt Postcard Declaration [unexecuted] [3 pgs]
- Application and Fee Transmittal [3 pgs] (in duplicate)
- Application Specification [22 pgs]
- Claims [4 pgs] [39 claims]
- Abstract [1 pg]
- Drawings [9 sheets]

JC971 U. S. PTO
09/27/01
09/27/01

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CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: (EL832926645US)

Date of Deposit: September 27, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Carol M. Gruppi
Carol M. Gruppi

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Lori Jo Lehman et al.

Examiner: Not Yet Assigned

Serial No.: Not Yet Assigned

Group Art Unit: Not Yet Assigned

Filing Date: September 27, 2001

For: NOVEL STRAIN OF STREPTOMYCES
FOR CONTROLLING PLANT
DISEASES

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OFFICE OF PETITIONS

UTILITY PATENT APPLICATION & FEE TRANSMITTAL
(for nonprovisional applications under 37 CFR § 1.53(b))

Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

Sir:

Transmitted herewith for filing in connection with the above-identified patent application are the following:

I. Elements of the Application

<input checked="" type="checkbox"/> Application	[1] page(s) of Cover Sheet
	[22] page(s) of Specification
	[4] page(s) of Claims (39 claims)
	[1] page(s) of Abstract
	[9] sheets of Drawings [] Formal <input checked="" type="checkbox"/> Informal
<input checked="" type="checkbox"/> Declaration and Power of Attorney	[3] page(s)
	<input checked="" type="checkbox"/> Unexecuted <input type="checkbox"/> Executed <input type="checkbox"/> Copy from prior application (37CFR § 1.63(d))
<input type="checkbox"/> Deletion of Inventors:	[] page(s) of signed statement deleting inventor(s) (37CFR§ 1.63(d) & 1.33(b))
<input type="checkbox"/> Request and Certification Under 35U.S.C. 122(b)(2)(B)(i)	
<input type="checkbox"/> Nucleotide and/or Amino Acid Sequence Submission:	
	[] page(s) of Sequence Listing (paper copy)
	[] disk(s) containing Sequence Listing (computer readable copy)
	[] page(s) of Statement Under 37 CFR 1.821(f)
<input type="checkbox"/> Microfiche Computer Program Appendix	_____

II. Claim for U.S. Priority	
<input checked="" type="checkbox"/> This application is a <input type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input checked="" type="checkbox"/> Continuation-in-Part of Prior Application No. <u>09/671,943</u> filed <u>September 27, 2000</u> . (<u>35 USC §120</u>)	
<input type="checkbox"/> This application claims the benefit under 35 U.S.C. §119(e) of United States Application Serial No. 60/ <u> </u> filed <u> </u> . (<i>Provisional Application</i>)	
<input type="checkbox"/> The entire disclosure of the prior application referenced above, is considered as being part of the application filed herewith and is herein incorporated by reference in its entirety.	
III. Claim for Foreign Priority	
<input type="checkbox"/> This application claims the benefit under 35 USC §119 of Prior Application No. <u> </u> filed <u> </u> .	
<input type="checkbox"/> Certified Copy of Priority Document [] page(s)	
<input type="checkbox"/> English Translation of Priority Document [] page(s)	
IV. Accompanying Documents	
<input type="checkbox"/> Assignment Papers [] page(s) of Recordation Cover Sheet [] page(s) of Assignment	
<input type="checkbox"/> Applicant(s) claims Small Entity Under 37 CFR § 1.27 [] Verified Small Entity Statement was previously filed in Prior Application No. <u> </u> on <u> </u> , <u> </u> .	
<input type="checkbox"/> Information Disclosure Statement [] page(s) of PTO-1449 [] copies of IDS References	
<input type="checkbox"/> A Preliminary Amendment [] page(s)	
<input type="checkbox"/> A copy of a Petition for Extension of Time (mos.) filed simultaneously in Prior Application No. <u> </u>	
<input type="checkbox"/> A copy of a Submission of Processing & Retention Fee (37 CFR § 1.78(a)(1) which is being filed simultaneously in Prior Application No. <u> </u>	
<input type="checkbox"/> Other _____ (specify) _____	
<input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (<i>Should be specifically itemized</i>)	

V. Fee Calculation

The following fees are submitted:					CALCULATIONS
		OTHER THAN SMALL ENTITY	SMALL ENTITY	\$	
BASIC NATIONAL FILING FEE		\$ 710.00	\$ 355.00	\$ 710.00	
EXTRA CLAIMS FEE					
CLAIMS	# FILED	# EXTRA	RATE	RATE	
Total Claims	39 - 20 =	19	× \$18.00	× \$ 9.00	\$ 342.00
Independent claims	2 - 3 =	0	× \$80.00	× \$40.00	\$
MULTIPLE DEPENDENT CLAIM(S)					
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No		\$270.00	\$135.00	\$
Fee for recordation of the enclosed assignment (37 CFR 1.21(h), 3.28, 3.31). _____ (Numbers of Applications) × \$40.00					\$
OTHER FEES _____ (specify)					\$
OTHER FEES _____ (specify)					\$
TOTAL FEES =					\$1,052.00
a. <input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.				
b. <input checked="" type="checkbox"/>	Please charge Deposit Account No.: <u>50-1189</u> , Billing Ref. No. <u>23893-7180</u> , in the amount of <u>\$1,052.00</u> to cover the above fees. <i>A duplicate copy of this sheet is enclosed.</i>				
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>50-1189</u> , Billing Ref. No. <u>23893-7180</u> . <i>A duplicate copy of this sheet is enclosed</i>				
SEND ALL CORRESPONDENCE TO:		 SIGNATURE			September 27, 2001
Antoinette F. Konski McCutchen, Doyle, Brown & Enersen, LLP Three Embarcadero Center, 18th Floor San Francisco, CA 94111 Telephone: (650) 849-4950 Facsimile: (415) 849-4800		<u>Carol M. Gruppi</u> NAME Antoinette F. Konski			DATE 37,341 REGISTRATION NUMBER 34,202

DECLARATION FOR UTILITY PATENT APPLICATION

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 APR 17 2002
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AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

Our residence, post office address, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: **Novel Strain Of Streptomyces For Controlling Plant Diseases** the specification of which is attached hereto unless the following box is checked:

was filed on _____ as United States Application Serial No. _____ or PCT International Application No. and was amended on _____ (if applicable).

WE HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date

We hereby claim the benefit under 35 U.S.C. § 120 of the United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Application Serial No.	Filing Date	Status
09/671,943	September 27, 2000	Pending

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title of 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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